Supreme Court, U.S.
FILED

981687 DEC 8 1999

OFFICE OF THE CLERK

NO.

in the Supreme Court of the United States

October Term, 1999

FRED CROSS AND FAMILY
Petitioners

vs.

THE HONORABLE ARCH W. McGARITY, JUDGE
MONROE COUNTY SUPERIOR COURT
AND HIS AGENTS
Respondents
(Persecutors)

PETITION FOR WRIT OF CERTIORARI FROM THE SUPREME COURT OF THE STATE OF GEORGIA

Fred Cross, (Pro Se)
Rt. 1, Box 1030
Macon, Georgia 31210
(912) 994-0760

22pp

QUESTION PRESENTED

Whether America's authority is willing to redress and recover from its traditional double standard and precedent of Mr. Lincoln's established childish elusions of freedom and Europe's and Roman's established shortfall order of freedom?

Whether America's authority is willing to develop a genuine consistent curriculum or road map for the steadfast purpose of:

(a) retraining and assisting all addicted, disabled, out of self-control working class and Black Mothers and their children to an unfettered recovery.

(b) stopping the social and political schemes of confusion, lying, taking and giving.

Or whether America's authority will continue to oppress and keep the above mothers and their children trapped in their social and political pyramids of sadness, pain, grief, dependency, confusion, suffering, etc...

PARTIES

The Plaintiff is an ex-school teacher.

The defendants: Honorable Arch McGarity and his agents- Monroe County Sheriff Department; Macon State College (Georgia's Board of Regents of the University System- Stephen R. Portch, Chancellor , President David A Bell and Vice President Robert T. Trammell; First Liberty Bank of Macon, Dianne Pippin, CSR; Danny Smith, Branch Manager; Larry D. Flowers, vice president; and Bob Hatcher, President; Office of Thrift Supervision; Department of the Treasury, Mr. Jimmy Loyless, Reg. Dir. My case no. is 20056098. This case is still in the Superior Court of Monroe County.

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PETITION FOR WRIT OF CERTIORARI

Fred Cross and Family respectfully request that a writ of certiorari issue be granted. The Supreme Court of Georgia denied us a hearing in this case.

OPINION BELOW

No Opinions - Supreme Court of Georgia order, the Honorable Judge Arch McGarity order, Sheriff's Booking Report, and Macon State College order are in the appendix.

JURISDICTION

The jurisdiction of this Court is involved pursuant to 28 U.S.C. § and 1254 and 1257. The Supreme Court of Georgia denied me a hearing on September 14, 1998. This case involves a federal question under 42 U.S.C. § 1783.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The first Amendment to the Constitution of the United States provides:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of press; or the right of the people peaceably to assemble and to Petition

the government for a redress of grievances.

The 13th Amendment of the Constitution abolished slavery and involuntary servitude, except for forced labor as punishment. The 14th Amendment of the Constitution. . .

This amendment also prohibits the states from depriving any person of life, liberty or property without due process of law, and guarantees all persons equal protection of the laws.

42 U.S.C. § 1983 provides:

Every person who, under color of any statute ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equality, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

STATEMENT OF THE CASE

All human cultures addict its citizens to its way. This is the court's doctrine of stare decisis, but this way also makes the law slow to react to a more reasonable social and scientific change. The evolution of this law and precedent depends upon good, honest, and logical judges who will redress their wrongs of the past, and stand-up for mankind's evolving. This is the process of Truth & Justice, *Schwartz v. Kominski*, 25 Ill. App. 3d 789, 324, N.E. 2d 91, 93.

Now, the documented and recorded evidence will reveal how some racially, privileged powerful addicted Authorities denied this little Family equal and fair justice under their administration of the order's laws and precedent. On August 24, 1977, the School Board of Dade County, Florida charged me with abandoning my school position, and they dismissed me from their institutionalized slave schools, merely for speaking out against our slave addiction. In this situation the only choice the school authorities made clear was that I was to do as told, keep my mouth closed concerning slavery or no job. This little Family's First Amendment right of freedom was violated, United States Constitution, Amendment I.

In essence, in order for me to work for the system, I would have to self enslave and follow their orders blindly; sacrifice my freedom of thought and doings as well as my Family's, friend's, neighbor's, communities and entire county for their JOB. This is the way we are connected in our public arena. Eventhough, this was my only system skill paying JOB and my chosen profession; no decent,

civilized, honest thoughtful man of true worth would continue on the above JOB. For me, to work under the above forced on terms is the heart and soul of our slave order. No man should be forced to accept unjust demotions, forced on self-enslavement in order to keep teacher's JOB. I complained then, as now of this malpractice. It is a wrong to force a man to self-enslave and enslave other to feed himself and his Family. The above is another form and degree of involuntary servitude, especially when higher authority refuses to do anything about this complaint. It is a pyramid form of slaver and dependency. This way violates Petitioner's and Family's 13th and 1st Amendment. 42 U.S.C.A.§ 1944; CR Code § 269, 18 U.S.C.A. § 1581 U.S.C.A. Const. Amend. 13. Also see, *Taylor v. State of Ga.* 625 S.Ct. 415, 315 US 25, 86 L. Ed. 615, Also see brief filed in the United States Court of Appeals for the Fifth Circuit No. 80-5406, and briefs filed in the Supreme Court of the United States, term 1981 - Oct. term 1980 No. 80-1835. The Gate-Keepers of Florida's School System fired me for the above reasons. Then, justified their malpractice and treatment by stating that Petitioner abandoned his position; which is a reason for granting Petition.

From the above documented experience. It was made clear to Petitioner that this little Family was trapped in the core of the system's slave web. Petitioner moved to the woods of Georgia to try to escape living directly in this slave prison. Living in the woods taught me the real importance of skill development.

I wrote a response letter to Mr. Stephen R. Portch complaining about two letters that I received from Mr.

Robert T. Trammell. See Mr. Trammell letters of April 29, 1997 and September 25, 1997. Then my response letter of October 14, 1997. See the Chancellor's response letter Date November 3, 1997. Then, my response letter of November 21, 1997.

The above letters speak for themselves. To my surprise, it was after my letter of November 21, 1997, the chancellor and his Social & Political agents were greatly displeased with me. President Lincoln certainly understood that practice and training is the mother of human skills and habits development. Though human genes are the source. White America's historical conditioned privileges and rights over Blacks are their addiction. Indenturedness, Indebtedness, Overseeingness, racism and segregation were and still are their routing training and practice with their levels and degrees. Consequently, their routine, training and practice are the mothers of their skill-ness, lack of skills or not enough skills. The main point here is that White segregationist and racist are alive in America's schools and so is deception, omission and lying. Such occurs when some facts which really exist are unknown, or some facts are supposed to exist which really does not. *Schwartz v. Kominoski*, 25 Ill. App. 3d 789, 324 N.E. 2d 91, 93. See President David Bell's certified letter of June 23, 1998.

If a higher standard of thinking and doing threatens Macon State College Administrators, this threat came from within their own addiction, incompetence and precedence. I pray that Mrs. Sharon McGenity-Hatfield becomes more skillful and find greater wisdom within her troubled soul. On campus patterns and practices of racism, and segregation is easy to see and detect at Macon State College. They are

in violation of the court's decision of *Brown v. Board of Education*, 347 U.S. 483 (1954) 349 U.S. 294 (1955) and the First Circuit's decision in *Rivera - Puig v. Garcia - Rosario*, 983 F.2d 311 (1st Cir. 1992.) The above is another reason for granting petition.

On the 27th of February 1998 Judge Arch W. McGarity of Monroe County Superior Court refused to allow Petitioner's testimony and my questions to my ex-addicted sick wife to be recorded. Georgia's law recognizes that the Trial Judge is in control of directing the court reporter to record all notes, testimony and proceedings in his court. O.C.G.A. 817-8-5. There is no transcript. The Judge's error can easily be verified by the Court's Clerk, Stenographer, Bailiff, my ex-wife and her attorney, Anton Merton and a honest Judge. The business of the court is confided in the Judge; unless wrong or oppression has resulted from abuse. *Ellis v. Cameron and Barkley Co.*, 319 S.E. 2d 38, 171 Ga. App. 211. The Judge did not discharge his duty in compliance with the Law. There is no transcript and so far as the Judge is concerned there is no access or entrance concerning slavery in his court. This Judge denied petitioner access to a hearing in his court. This is a clear violation of my First Amendment right under 42 U.S.C.§ 1983, and the constitution of the United States.

Also, on February 27, 1998 Judge Arch W. McGarity ordered me to jail for asking my ex-slave addicted wife a question related to her sickness. This Judge did not want the order's slave mystery unraveled in his court. It was an illegal arrest and false imprisonment of another when he is detained for any length of time against his will. *Evereth Ridley and Co. v. Holcomb*, 1 Ga. App. 794, 58

S.E. 287 (1907), Further, the Judge deprived petitioner of my free speech rights that have caused irreparable harm, justifying injunctive and punitive relief, that violated my First Amendment rights under 42 U.S.C. § 1983, and under the Constitution of the United States, a clear reason for granting petition.

The loss of First Amendment rights "unquestionably constitutes irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373-74 and n.29 (1976). Petitioner was treated as though, I was the Judge's slave. The Judge and my ex-wife's attorney deliberately cleared the docket, whereby all the local lawyers had gone before hearing our case. I sat in court listening for approximately two hours and not one White Plaintiff or Defendant was treated with disrespect by the Judge. These considerations give rise to the court's pronouncement that race-based violations of constitutional rights must be remedied "with all deliberate speed" through issuance of injunctive relief. *Brown v Board of Education*, 349 U.S. at 301. And without an obligation of the federal courts overseeing section 1983 litigation to hear claims for injunctive relief, this constitutional, violation of First Amendment rights could be rendered meaningless. A First Amendment violation arguably requires injunctive relief, *Elrod*, 247 U.S. at 373-74 and 29. At a minimum, Section 1983 requires the federal court to fashion a meaningful remedy.

It was a monstrous wrong for Judge Arch McGarity to order me to jail on February 27, 1998 for my protest against the order's slave history. Certainly this connect his doing to Jailor Hull and his support staff releasing Petitioner approximately 7.5 hours later than my release time. Right

of action for false imprisonment accrues at time of release from imprisonment. *Meyer v. Glover*, 152 Ga. App. 679, 263 S.E. 2nd 539 (1979) statute of limitations under § 9-3-33. Such actions are not barred until two years after the same arise. *McCullough v. Atlantic Ref. Co.*, 50 Ga, App. 237, 177 S.E. 601 (1934). It is no defense that person perpetrating illegal arrest or imprisonment is ignorant of illegality of his acts. *Lowe v. Turner, 115 Ga, App.* 503, 154. Now, Section 42 U.S.C.§ 1983 provides a federal cause of action that entitles a claimant to have a federal court declare whether a constitution violation has occurred and if so, provide a remedy for the deprivation. Without a doubt the above is just reason for granting a petition.

Judge Arch McGarity erred when he violated Chief Judge W. H. Graig's standing Rule of Conduct under Section O.C.G.A. 19-1-1. This error produced a domino effect. The Judge's conduct lowered the standard of all the Proud, Just and Honorable courts. Which is a another reason for granting this petition. It is important that the Supreme Court provide a meaningful remedy for a constitutional deprivation because of the vital role 42 U.S.C. § 1983 in affording meaningful remedy to this little Family. This is important in civil rights litigation, the supporting declaratory judgements with remedies against the all-powerful State.

CONCLUSION

The order's history is self-evidence, presently being debated in our Senate well. This little Family's burden of proof is self-evidence, our continuous pain, suffering and so on. See Petitioner's letter of November 12, 1998, a legal protest and complaint against Monroe County's Board of Equalization and the State of Georgia. The powerful Judge and his friends destroyed our marriage through their historical control. They have always had this evil exclusive power, the control over Black Families. The selling of Black Mothers, Fathers and their Children. The powerful Judge and his powerful friends need to be stopped before they attempt to destroy this little Family's natural bond or blood line. The resolution of America's slave tradition is one whose consequences are pervasive and substantial. The importance of securing and exercising First Amendment rights with the remedy that 42 U.S.C. § 1983 was designed to provide litigants warrants the granting of certiorari.

By way of Judge Arch McGarity and the Supreme Court of Georgia muting Petitioner's First Amendment rights, they nullified all of this little Family's Constitutional rights. For a common person like me, the Court's rules and procedure are not clearly spelled-out, nor plainly written. The Judge denied Petitioner a recorded hearing, denied me a rebuttal, no entrance and ordered me to jail This was his way and means of controlling and oppressing Petitioner 's First Amendment rights. The Supreme Court of the United States has said, "the vitality of the constitutional principles cannot to allowed to yield simply because of disagreement with them." *Brown v. Board of Education*, 349 U.S. 294, 300 (1955).

For all the above reasons, the petition for certiorari case should be granted on merit of the Petitioner's First Amendments denied. This is an appropriate case for a summary of disposition on the merits as provided by Rule 16.1, because this little Family's First Amendment. rights, etc. at issue are irreparably damaged by our deprivation for even minimal periods of time. *Elrod*, 427 U.S. at 374.

This little Family has been trying since March 2, 1998 to get First Liberty Bank to give us a full, accurate and complete account of our missing life long savings, C.D. Funds. As of the filing of this petition they have failed to do so. We are at the mercy of completely in the power of the bank, the Office of Thrift Supervision (Mr. David Goodson) and the Superior Court of Monroe County. Our case No. is 20056098.

Respectfully submitted,

Fred Cross

FRED CROSS

Pro Se
Route 1, Box 103D
Macon, Georgia 31210
(912) 994-0760

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGONE PETITIONER'S BRIEF WAS SERVED ON THE HONORABLE JUDGE ARCH MCGARITY AT THE CLERK OF THE SUPERIOR COURT, MONROE COUNTY, GA. ON THIS _____ DAY OF _____, 1999.

BY _____
FRED CROSS

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In The Superior Court of Monroe County
State of Georgia

Barbara Square Cross
Plaintiff / Petitioner
vs.
Fred Lee Cross
Defendant / Respondent

Civil Action # 97-CV-673

Order

The above styled matter came before the Court for hearing and the Defendant, Fred Lee Cross, having refused to answer questions propounded by the Court and having argued with the Court, the Court does hereby find the Defendant in willful contempt of Court and sentence the Defendant to be held in the Monroe County Jail until 9:00 A.M. March 2, 1998 at which time, if the Defendant has submitted himself to all process of normal booking procedures, he shall be released.

It is further ordered that Plaintiff's Attorney retain the services of a Lic. Georgia Real Estate Appraiser to determine the fair market value of the Pontiac Mansion Home and acreage.

So ordered this 27th day of February, 1998

Judy Andrews McCarty
Monroe County Superior Court

FILED & RECORDED
CLERK SUPERIOR COURT
FEB 27 '98 PM 2:35
BY

I hereby certify this copy to be a true and correct copy of the original on file in this office.
This 27th day of Feb, 1998

MONROE COUNTY SHERIFF'S DEPARTMENT

PGM ID- JLBOOK2 BOOKING REPORT PAGE- 1
DATE: 3/13/98 TIME: 9:06

BOOKING #: 16112

NAME...: CROSS, FRED LEE MASTER ID#: 16112
AKA....: STATE ID#.:
DOB....: 6/21/32 FBI#.....: 9804155
ADDRESS: RT.1,BOX 1035 CITY.: MACON
STATE: GA ZIP: 31210
PHYSICAL DESCRIPTION: SKN- MED RACE- B SEX- M NAT- US AGE- 65
HGT- 508 WGT-162 HAIR- GRY EYES- BRO

SCARS/MARKS/TATTOOS:

SOCIAL SECURITY #..: UNKNOWN PLACE OF BIRTH: GA
OCCUPATION/EMPLOYER: UNKNOWN WORK RELEASE:
DLN: DLS: DLY: STATUS:

NEXT OF KIN: ADDRESS:
CITY.....: STATE: ZIP: PHONE:

ATTORNEY.: PROPERTY BOX:

PHONE CALLS AT BOOK: NOT WANTED NOT WANTED NOT WANTED
CALL COMPLETED ?...: Y Y Y

VEHICLE INFORMATION: IMPOUNDED- N LOCATION...-
LICENSE #- STATE- DESCRIPTION-

ARRESTED BY: THOMPSON AGENCY: MRSO DATE: 2/27/98 TIME: 13:31
PLACE OF ARREST: MONROE COUNTY COURT HOUSE AGENCY RESP.: MRSO
RECEIVED BY: SIMS DATE: 2/27/98 TIME: 13:30 PROCESSED: Y

	CHARGE	CT/TP	WARR/CIT #	CD	COURT	BAIL	UCR#	AGNCY	CRIME CODE
1	CONTEMP OF COUR	1	M AUTH TO HOLD	L	SUPER	NO BAIL	N 5499	MRSO	

ARRAIN DATE:

	DISPOSITION	CODE	DATE	COURT	CONVICTED/REDUCED
1	TIME SERVED	03			

RELEASE DATE: 3/02/98 TIME: 16:30 REASON: TIME SERVE CODE: S

PRISONER'S SIGNATURE ON RELEASE: _____

RELEASING OFFICER'S SIGNATURE..: _____

MONROE COUNTY SHERIFF'S DEPARTMENT
BOOKING REPORT

PGM ID- JLBOOK2
DATE: 3/13/98

PAGE- 2
TIME: 9:06

BOOKING #: 16112

NAME...: CROSS, FRED LEE

MASTER ID#: 16112

COMMENT: 415JS 27FEB98 SUBJECT BROUGH IN FROM SUPERIOR COURT FOR CONTEMP OF COURT.SENTENED TO 5 DAYS BY JUDGE MCGREITY

COMMENT: 415JS 27FEB98 SUBJECT PLACED IN CELL 6 DUE TO VERY VERBERAL ABOUT BEING IN SLAVERY.SUBJECT PLACE IN THIS CELL

COMMENT: TO MAINTAIN SAFTY IN THE JAIL.

COMMENT: 414MH 30298 SUBJ RELEASED TIME SERVED PER 422.

MSC
MACON STATE COLLEGE
THE UNIVERSITY SYSTEM OF GEORGIA

June 23, 1998

Mr. Fred Cross
Rt. 1 Box 103D, Gibson Road
Macon, GA 31210

CERTIFIED MAIL

Dear Mr. Cross,

This letter is to inform you that you are no longer welcome on Macon State College property. Over the course of last year, there have been several complaints by faculty and staff about your behavior. Most recently, on Friday, June 19, 1998, I have been told that you threatened Ms. Sharon McGenity-Hatfield, one of our faculty members. We can not allow you to disrupt campus life. Therefore, if you fail to comply with this request, you will be arrested.

Sincerely,

David A. Bell
President

cc: Lt. Smallwood
Bibb County Sheriff's Office

OFFICE OF THE PRESIDENT
100 COLLEGE STATION DRIVE
MACON, GEORGIA 31206-5144
(912) 471-2712 • FAX (912) 471-2846
E-mail: dbell@connet.mc.peachnet.edu

SUPREME COURT OF GEORGIA
Case No. S98A1544

Atlanta September 14, 1998

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

FRED LEE CROSS v. BARBARA SQUIRE CROSS

From the Superior Court of Monroe County.

The above-styled appeal from the trial court's Total Divorce Judgment and Decree is dismissed for appellant's failure to follow the procedures for discretionary appeal. OCGA § 5-6-35 (a) (2).

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto affixed the day and year last above written.

Lynn W. Stinchcomb, Chief Deputy Clerk